

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, March 22, 2022, 5:00 PM Minutes

Physical location: 645 Pine Street, Front Conference Room, Burlington VT 05401

Board Members Present: All members were remote. Brad Rabinowitz, Geoff Hand, Chase Taylor, Sean McKenzie, Brooks McArthur

Board Members Absent: AJ LaRosa, Caitlin Halpert, Leo Sprinzen

Staff Members: Mary O'Neil, Scott Gustin, Ryan Morrison, and Celeste Crowley

I. Agenda

II. Communications

III. Minutes

March 8, 2022 minutes have been posted on the website.

IV. Consent

1. ZP-22-21; 189-191 South Champlain Street (RH Ward 5S) Anne Rothwell / Smith Buckley Architects – Israel Smith

Construct Duplex. (Project Manager, Mary O'Neil)
Israel Smith, Anne Rothwell, Sharon Bushor; Sworn in

Sharon: I just have a question regarding the tree removal. It is hard to tell the boundaries from the areal photo. Are you retaining or removing any trees of significant size?

Israel: Some of the trees will be removed. We will be replacing the tree along the street. There will be a fair bit of trees being removed.

Sharon: I feel the City does not have an adequate ordinance regarding trees and removal. Trees are significant to life. We allow too many old trees to be removed and the new plantings take too long to mature.

Brad: Is the building setback to setback?

Israel: Yes, on the sides. In the backyard, we intend to retain the larger trees. We plan to keep anything that is not in the way of construction.

Sharon: Thank you for clarifying.

Brad: Are there any other questions from the Board or anyone? Public Hearing is closed.

2. ZP-22-45; 44 Lakeside Avenue (E-LM Ward 5S) Lakeside Ovens, LLC / Land Plan Development Services – John Caulo

Install mobile sauna and changing/toilet room on parking spaces previously approved as part of a Parking Management Plan (approved under ZP19-0202CA/MA and revised under ZP20-0820CA.). (Project Manager, Mary O’Neil)

John Caulo: sworn in.

Geoff: recused

John: I understand there are a number of open permits that need to be closed. I will reach out for help closing them.

Brad: Are there any objections from the Board as to consent? No.

Brooks: Motioned to approve and adopt staff recommendations. Chase 2nd. All in Favor. Approved.

3. ZP-22-24; 426 South Winooski Avenue (RM, Ward 6S) Scott & Stephanie Mapes

Establish a bed and breakfast (short-term rental) within existing ADU. (Project Manager, Scott Gustin)

Scott Mapes: sworn in

Geoff: recused

Brad: Does anyone on the Board object?

Brooks: Motioned to approve and adopt staff recommendations. Chase 2nd. All in Favor. Approved.

4. ZP-22-49; 273 Shelburne Street (RL, Ward 5S) Terry & Giovanna Yaranga

Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Ryan Morrison)

Giovanna Yaranga: sworn in.

Brad: Have you seen the recommendation?

Giovanna: Yes I have. I was unaware of permits that needed to be closed and the fees to close the zoning permit. Water/sewer is adequate, I submitted the letter to Steve Roy.

Brad: Does anyone on the Board object to this consent item?

Chase: Motioned to approve and adopt staff recommendations. Brooks 2nd. All in Favor. Approved

V. Public Hearing

1. ZP-21-857; 9-11 Germain Street (RL, Ward 1E) Robert Kiss, Jacqueline Majoros

Establish a bed and breakfast (short-term rental) within existing residence. 1-space parking waiver request. (Project Manager, Ryan Morrison)

Jackie Majoros: Sworn in.

Brad: Your requesting a parking waiver for 1 space. With your BNB 5 spaces are required.

Ryan: Yes, 2 spaces for the owners (9 Germain), and 3 for the 3 bedroom in the other unit (11 Germain). We recognize 3 spaces on the owner’s side and 1 space on the other side. The driveway is not paved and parking on the grass is not a legitimate space.

Jackie: 9 Germain has the driveway plus a garage. #11 was a cinder block, gravel, and dirt driveway for two cars. We left the back portion of the drive the same as it had been; no grass just weeds growing up through the cinder and gravel. It still can function as part of the driveway.

Brad: Ryan they have credit for 4 spaces because of the ordinance change?

Ryan: Yes. By adding the 3rd bedroom as a short-term rental, an additional (5th) space is required.

Scott: Retention of non-conformity can't increase non-conformity.

Ryan: We have nothing to show any driveway permits for 11 Germain.

Brad: No permits to define spaces?

Ryan: Correct.

Brad: The site plan shows 3 on the left and 1 on the right..

Ryan: Existing non-conformity.

Geoff: Jackie, how will the rental work for parking?

Chase: Used as long & short term rental for 30 years.

Jackie: For the last three years no one used up all of the spaces. There are 3 travel nurses who use 2 spaces on 11 Germain, and I use 1 space on 9 Germain. It has not been an issue. In general, we only use 3 spaces but capacity for 4. The aerial photo is misleading as it is hard packed gravel not grass.

Sean: Has anyone done a site visit? No.

Ryan: They can fit but is it a legal space?

Brad: Applicant says carport was there... Are there any other questions from the Board? No questions. Public Hearing closed.

VI. Certificate of Appropriateness

1. ZP-22-12; 48 Sunset Cliff Road (RL-W Ward 4N) Mort & Nurit Zachter / Civil Engineering Associates – Michael Koch

Demolition of existing residence & proposed seawall reconstruction. (Project Manager, Scott Gustin) Mike Koch, Jack Milbank, Nate & Jeff from Birdseye, Ann Stiber: Sworn in.

Brad: This is an application to repair seawall and demolish existing house, then come later to build new house.

Mike: Yes. The existing single home with seawall in disrepair. The HOA owns the stairs and the neighbor has that goes right into 48 Sunset seawall. It is not a sand beach and the condition of the wall is past due for repairs. It will be replaced in kind with adequate drainage which will add stability. We have submitted to replace the house.

Phase 1 is now which is the removal and replacement of the seawall and demolish the house.
Phase 2 is to rebuild the house.

We have met with the Conservation Board and received approval.

Jack: Gabions were placed on shore to absorb energy & will be replaced.

Geoff: is the ramp a new encroachment feature?

Mike: Yes, it is a new feature for access.

Jack: The deck will be removed as well.

Brad: Any other questions? Public Hearing closed.

VII. Other Business

Scott: Zoom and In-Person meetings. Legislation recommends fully remote until the end of the year, but the mask mandate has been lifted.

Brooks: I prefer fully remote or fully in person.

Brad: I tend to agree with Brooks.

Chase: I didn't mind hybrid but would prefer remote or hybrid.

Geoff: I found hybrid clunky at first. I have no particular preference.

Sean: I prefer remove but would deal with hybrid.

Brad: I prefer in person but would like remote for now.

VIII. Adjournment 6:00pm

Bradford L. Rabinowitz, Chair of Development Review Board

Date

Celeste Crowley, Permitting & Inspections Administrator

Date

The City of Burlington will not tolerate unlawful harassment or discrimination based on political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.